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U.S. SMALL BUSINESS ADMINISTRATION,
as Receiver for PROSPERO VENTURES, L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS
ADMINISTRATION, as Receiver for
PROSPERO VENTURES, L.P.

Plaintiff.

Y.

HIGH GROWTH MANAGEMENT, LTD.,

Defendant.

NO. C 07-03735 MEJ
Related Cases
No. C 07-3732 MEJ
No. C 07-3733 MEJ
No. C 07-3736 MEJ
No. C 07-3737 MEJ
No. C 07-3738 MEJ
No. C 07-3739 MEJ
No. C 07-3740 MEJ
No. C 07-3741 MEJ

**APPLICATION FOR JUDGMENT
PURSUANT TO CLERK'S ENTRY
OF DEFAULT**

(Filed concurrently with Memorandum of Points and Authorities, Declaration of Christine J. Levin, Brian Stern, and Proposed Judgment)

Date: January 17, 2008
Time: 10:00 a.m.
Courtroom B, 15th Floor

TO THE HONORABLE COURT AND ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS

1 OF RECORD:

2 Plaintiff, U.S. SMALL BUSINESS ADMINISTRATION, as Receiver for PROSPERO
 3 VENTURES, L.P. (hereinafter "Plaintiff"), hereby requests hereby requests a default judgment
 4 against Defendant judgment in this matter against Defendant HIGH GROWTH MANAGEMENT,
 5 LTD (hereinafter "Defendant") pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure.
 6 This application shall be based on this application, the accompanying memorandum and points of
 7 authorities, the declarations of Christine J. Levin and Brian Stern, and the papers and pleadings on
 8 file in this action.

9 1. Entry of Clerk's Default: A request for entry of clerk's default for failure to
 10 respond or appear was filed herein on October 12, 2007.

11 2. Proof Required for Clerk's Judgment: The declarations of Brian Stern and Christine
 12 J. Levin filed herewith establishes proof of:

- 13 (a) A sum certain due and owing Plaintiff by said Defendant;
- 14 (b) A contract or statutory claim;
- 15 (c) Defendant's nonmilitary status; and,
- 16 (d) Costs properly awardable by the clerk.

17 3. Judgment to be Entered:

18 Plaintiff has suffered damages in the principal sum of \$62,376, together with interest from
 19 at the rate of 9% per annum as per the contract rate (the prime rate plus four percent per annum), in
 20 the amount of \$13,550.12, and accruing thereafter at the daily rate of \$15.38 until entry of judgment;
 21 attorneys' fees in the amount of \$3,477.64; and costs in the amount of \$496.74; for a total judgment
 22 of \$79,900.50 plus interest commencing November 16, 2007.

23 Respectfully submitted,

24 Dated: December 11, 2007

25 By:/S/ *Christine J. Levin*
 26 CHRISTINE J. LEVIN
 27 Attorneys for Plaintiff
 28 U.S. SMALL BUSINESS
 ADMINISTRATION, as Receiver
 for PROSPERO VENTURES, L.P.

PROOF OF SERVICE

I declare that I am a resident of the County of Fresno. I am over the age of eighteen (18) years and not a party to the within action. My business address is 499 West Shaw, Suite 116, Fresno, California 93704.

On December 11, 2007, I served the foregoing document described as **APPLICATION FOR JUDGMENT PURSUANT TO CLERK'S ENTRY OF DEFAULT** on the interested parties, addressed as follows:

- BY MAIL - by placing [x] a true and correct copy [] the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with United States Postal Service on that same day in the ordinary course of business.

BY CALIFORNIA OVERNIGHT - by placing [] a true and correct copy [] the original thereof enclosed in a sealed envelope for delivery via California Overnight next day delivery to the addressee noted above.

BY HAND DELIVERY - by delivering by hand and leaving a true copy with the person and at the address shown above.

BY FACSIMILE TRANSMISSION - by causing a true facsimile thereof to be electronically transmitted to the parties, by using their facsimile number indicated below.

Facsimile No.

- STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on December 11, 2007, at Fresno, California.

Lisa R. Barr

1 **Via U.S. Mail**

2 Jerald P. Shaevitz
3 24175 Dawnridge Dr.
Los Altos Hills, CA 94024

4 Agent for Defendants,
5 High Growth Management, Ltd.

6 **Via California Overnight:**

7 **Chambers Copies**

8 Hon. Maria-Elena James
9 U.S. District Court, Northern District
10 450 Golden Gate Avenue
16th Floor, #1111
San Francisco, CA 94102

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